



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3324

Introduced 2/7/2024, by Sen. Mary Edly-Allen

#### SYNOPSIS AS INTRODUCED:

New Act

Creates Sammy's Law of 2024. Requires, before August 1, 2025, or within 30 days after a service becomes a large social media platform, a large social media platform provider to create, maintain, and make available to any third-party safety software provider a set of third-party-accessible real time application programming interfaces by which a child, or a parent or legal guardian of a child, may delegate permission to the third-party safety software provider to: (1) monitor the child's online interactions, content, and account settings on the large social media platform; and (2) initiate secure transfers of user data from the large social media platform in a commonly used and machine-readable format to the third-party safety software provider. Requires a third-party safety software provider to register with the Office of the Attorney General as a condition of accessing an application programming interface and any information or use data. Allows the Attorney General to deregister a third-party safety software provider if it is determined that the provider has violated or misrepresented a required affirmation or has not notified the Attorney General, a child, or a parent or legal guardian of a child of a change to a required affirmation. Requires, before August 1, 2025, or within 30 days after a service becomes a large social media platform, a large social media platform provider of the platform to register the platform with the Attorney General by submitting to the Attorney General a statement indicating that the platform is a large social media platform. Requires the Attorney General to establish a process to deregister a service if the service is no longer a large social media platform. Provides that in any civil action, a large social media platform provider shall not be held liable for damages arising out of the transfer of user data to a third-party safety software provider if the large social media platform provider has in good faith complied with the requirements of the Act and the guidance issued by the Attorney General in accordance with the Act. Effective June 1, 2025.

LRB103 38089 JRC 68221 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as Sammy's  
5 Law of 2024.

6 Section 5. Legislative findings and intent.

7 (a) The General Assembly finds and declares all of the  
8 following:

9 (1) Parents and legal guardians should be empowered to  
10 use the services of third-party safety software providers  
11 to protect their children from certain harms on large  
12 social media platforms.

13 (2) Dangers like cyberbullying, human trafficking,  
14 illegal drug distribution, sexual harassment, and violence  
15 perpetrated, facilitated, or exacerbated through the use  
16 of certain large social media platforms have harmed  
17 children on those platforms.

18 (b) It is the intent of the General Assembly to require  
19 large social media platform providers to create, maintain, and  
20 make available to third-party safety software providers a set  
21 of real-time application programming interfaces, through which  
22 a child or a parent or legal guardian of a child may delegate  
23 permission to a third-party safety software provider to manage

1 the child's online interactions, content, and account settings  
2 on the large social media platform on the same terms as the  
3 child, and for other purposes.

4 Section 10. Definitions. In this Act:

5 "Child" means any individual under 18 years of age who has  
6 registered an account with a large social media platform.

7 "Large social media platform" means a service that meets  
8 all of the following:

9 (1) the service is provided through an Internet  
10 website or a mobile application, or both;

11 (2) the terms of service do not prohibit the use of the  
12 service by a child;

13 (3) the service includes features that enable a child  
14 to share images, text, or video through the Internet with  
15 other users of the service whom the child has met,  
16 identified, or become aware of solely through the use of  
17 the service; and

18 (4) the service has more than 100,000,000 monthly  
19 global active users or generates more than \$1,000,000,000  
20 in gross revenue per year, adjusted yearly for inflation,  
21 or both.

22 "Large social media platform" does not include any of the  
23 following:

24 (A) a service that primarily serves to facilitate the  
25 sale or provision of professional services or the sale of

1 commercial products;

2 (B) a service that primarily serves to provide news or  
3 information and the service does not offer the ability for  
4 content to be sent by a user directly to a child; or

5 (C) a service that has features that enable a user who  
6 communicates directly with a child through a message,  
7 including a text, audio, or video message, not otherwise  
8 available to other users of the service, to add other  
9 users to that message that the child may not have  
10 otherwise met, identified, or become aware of solely  
11 through the use of the service and does not have any  
12 features described in paragraph (3).

13 "Large social media platform provider" means any person  
14 who, for commercial purposes, provides, manages, operates, or  
15 controls a large social media platform.

16 "Third-party safety software provider" means any person  
17 who, for commercial purposes, is authorized by a child, if the  
18 child is 13 years of age or older, or a parent or legal  
19 guardian of a child, to interact with a large social media  
20 platform to manage the child's online interactions, content,  
21 or account settings for the sole purpose of protecting the  
22 child from harm, including physical or emotional harm.

23 "User data" means any information needed to have a profile  
24 on a large social media platform or content on a large social  
25 media platform, including images, video, audio, or text, that  
26 is created by or sent to a child on or through the child's

1 account with that platform, and the information or content is  
2 created by or sent to the child while a delegation under  
3 Section 20 is in effect with respect to the account.  
4 Information shall only be considered "user data" for 30 days,  
5 beginning on the date on which the information or content is  
6 created by or sent to the child.

7 Section 15. List of third-party safety software providers.  
8 The Attorney General shall make publicly available on the  
9 Attorney General's Internet website a list of the third-party  
10 safety software providers registered under Section 25, a list  
11 of the large social media platforms registered under Section  
12 30, and a list of the third-party safety software providers  
13 deregistered under Section 25.

14 Section 20. Delegation of permission to third-party  
15 software provider.

16 (a) Before August 1, 2025, or within 30 days after a  
17 service becomes a large social media platform, as applicable,  
18 a large social media platform provider shall create, maintain,  
19 and make available to any third-party safety software provider  
20 registered with the Attorney General under Section 25 a set of  
21 third-party-accessible real time application programming  
22 interfaces, including any information necessary to use the  
23 interfaces, by which a child (if the child is 13 years of age  
24 of older), or a parent or legal guardian of a child, may

1 delegate permission to the third-party safety software  
2 provider to:

3 (1) manage the child's online interactions, content,  
4 and account settings on the large social media platform on  
5 the same terms as the child; and

6 (2) initiate secure transfers of user data from the  
7 large social media platform in a commonly used and  
8 machine-readable format to the third-party safety software  
9 provider, and the frequency of the transfers may not be  
10 limited by the large social media platform provider to  
11 less than once per hour.

12 (b) Once a child or a parent or legal guardian of a child  
13 makes a delegation under subsection (a), the large social  
14 media platform provider shall make the application programming  
15 interfaces and information available to the third-party safety  
16 software provider on an ongoing basis until one of the  
17 following applies:

18 (1) the child (if the child made the delegation) or  
19 the parent or legal guardian of such child revokes the  
20 delegation;

21 (2) the child or a parent or legal guardian of such  
22 child revokes or disables the registration of the account  
23 of such child with the large social media platform;

24 (3) the third-party safety software provider rejects  
25 the delegation; or

26 (4) one or more of the affirmations made by the

1 third-party safety software provider under Section 25 is  
2 no longer true.

3 (c) A large social media platform provider shall establish  
4 and implement reasonable policies, practices, and procedures  
5 regarding the secure transfer of user data pursuant to a  
6 delegation under subsection (a) from the large social media  
7 platform to a third-party safety software provider in order to  
8 mitigate any risks related to user data.

9 (d) If a delegation is made by a child or a parent or legal  
10 guardian of a child under subsection (a) with respect to the  
11 account of the child with a large social media platform, the  
12 large social media platform provider shall:

13 (1) disclose to the child and, if the parent or legal  
14 guardian made the delegation, the parent or legal guardian  
15 the fact that the delegation has been made;

16 (2) provide to the child and, if the parent or legal  
17 guardian made the delegation, the parent or legal guardian  
18 a summary of what user data is being transferred to the  
19 third-party safety software provider; and

20 (3) provide any update to the summary under paragraph  
21 (2) as necessary to reflect any change to what user data is  
22 being transferred to the third-party safety software  
23 provider.

24 (e) A third-party safety software provider shall not  
25 disclose any user data obtained under this Section to any  
26 person except as follows:

1           (1) Pursuant to a lawful request from a government  
2 body, including, but not limited to, for law enforcement  
3 purposes or for judicial or administrative proceedings by  
4 means of a court order or a court ordered warrant, a  
5 subpoena or summons issued by a judicial officer, or a  
6 grand jury subpoena.

7           (2) To the extent that the disclosure is required by  
8 law and the disclosure complies with and is limited to the  
9 relevant requirements of that law.

10          (3) To the child, or a parent or legal guardian of the  
11 child, who made a delegation under this Section and whose  
12 data is at issue. The disclosure shall be limited, by a  
13 good faith effort on the part of the third-party safety  
14 software provider, only to the user data strictly  
15 sufficient for a reasonable parent or caregiver to  
16 understand that the child is at foreseeable risk or  
17 currently experiencing any of the following harms:

18                   (A) suicide;

19                   (B) anxiety;

20                   (C) depression;

21                   (D) eating disorders;

22                   (E) violence, including being the victim of or  
23 planning to commit or facilitate battery under Section  
24 12-3 of the Criminal Code of 2012 and assault under  
25 Section 12-1 of the Criminal Code of 2012;

26                   (F) substance abuse;



- 1 (G) fraud;
- 2 (H) trafficking in persons under Section 10-9 of  
3 the Criminal Code 2012;
- 4 (I) sexual abuse;
- 5 (J) physical injury;
- 6 (K) harassment, including hate-based harassment,  
7 sexual harassment, and stalking under Section 12-7.3  
8 of the Criminal Code of 2012;
- 9 (L) exposure to harmful material under Section  
10 11-21 of the Criminal Code of 2012;
- 11 (M) communicating with a terrorist organization as  
12 defined under Section 219 of the federal Immigration  
13 and Nationality Act, 8 U.S.C. 1189;
- 14 (N) academic dishonesty, including cheating,  
15 plagiarism, or other forms of academic dishonesty that  
16 are intended to gain an unfair academic advantage; or
- 17 (O) sharing personal information limited to:
- 18 (i) home address;
- 19 (ii) telephone number;
- 20 (iii) social security number; and
- 21 (iv) personal banking information.
- 22 (4) In the case of a reasonably foreseeable serious  
23 and imminent threat to the health or safety of any  
24 individual, if the disclosure is made to a person or  
25 persons reasonably able to prevent or lessen the threat.
- 26 (5) to a public health authority or other appropriate

1 government authority authorized by law to receive reports  
2 of child abuse or neglect.

3 (6) A third-party safety software provider that makes  
4 a disclosure permitted by paragraphs (1), (2), (4), or (5)  
5 shall promptly inform the child with respect to whose  
6 account with a large social media platform the delegation  
7 was made under subsection (a) and (if a parent or legal  
8 guardian of the child made the delegation) the parent or  
9 legal guardian that such a disclosure has been or will be  
10 made, except if

11 (A) the third-party safety software provider, in  
12 the exercise of professional judgment, believes  
13 informing such child or parent or legal guardian would  
14 place such child at risk of serious harm; or

15 (B) the third-party safety software provider is  
16 prohibited by law (including a valid order by a court  
17 or administrative body) from informing such child or  
18 parent or legal guardian.

19 Section 25. Third-party safety software registration,  
20 affirmations, and deregistration.

21 (a) A third-party safety software provider shall register  
22 with the Office of the Attorney General as a condition of  
23 accessing an application programming interface and any  
24 information or use data under Section 20.

25 (b) The registration shall require the third-party safety

1 software provider to affirm that the third-party safety  
2 software provider meets all of the following requirements:

3 (1) it is solely engaged in the business of Internet  
4 safety;

5 (2) it will use any user data obtained under Section  
6 20 solely for the purpose of protecting a child from any  
7 harm;

8 (3) it will only disclose user data obtained under  
9 Section 20 as permitted by Section 20; and

10 (4) it will disclose, in an easy-to-understand,  
11 human-readable format, to each child with respect to whose  
12 account with a large social media platform the service of  
13 the third-party safety software provider is operating and  
14 (if a parent or legal guardian of the child made the  
15 delegation under section 20 with respect to the account)  
16 to the parent or legal guardian, sufficient information  
17 detailing the operation of the service and what  
18 information the third-party safety software provider is  
19 collecting to enable such child and (if applicable) such  
20 parent or legal guardian to make informed decisions  
21 regarding the use of the service.

22 (c) Within 30 days after there is any change to an  
23 affirmation made under subsection (a) by a third-party safety  
24 software provider that is registered under subsection (a), the  
25 provider shall notify the following of the change:

26 (1) the Attorney General; and

1           (2) each child with respect to whose account with a  
2           large social media platform the service of the third-party  
3           safety software provider is operating and, if a parent or  
4           legal guardian of the child made the delegation under  
5           Section 20 with respect to the account, the parent or  
6           legal guardian.

7           (d) The Attorney General may deregister a third-party  
8           safety software provider if it is determined that the provider  
9           has violated or misrepresented the affirmations made under  
10          subsection (b) or has not notified the Attorney General, a  
11          child, or a parent or legal guardian of a child of a change to  
12          an affirmation as required by subsection (c).

13          If the Attorney General deregisters a third-party safety  
14          software provider under this subsection, the Attorney General  
15          shall notify each large social media platform provider of the  
16          deregistration of the third-party safety software provider and  
17          the specific reason for the deregistration.

18          A large social media platform provider that receives a  
19          notification from the Attorney General under this subsection  
20          that the Attorney General has deregistered a third-party  
21          safety software provider shall notify each child with respect  
22          to whose account with the large social media platform the  
23          service of the third-party safety software provider was  
24          operating and, if a parent or legal guardian of the child made  
25          the delegation under Section 20 with respect to the account,  
26          the parent or legal guardian of the deregistration of the

1 third-party safety software provider and the specific reason  
2 for the deregistration provided by the Attorney General.

3 Section 30. Registering as a large social media platform.

4 (a) Before August 1, 2025, or within 30 days after a  
5 service becomes a large social media platform, as applicable,  
6 a large social media platform provider of the platform shall  
7 register the platform with the Attorney General by submitting  
8 to the Attorney General a statement indicating that the  
9 platform is a large social media platform.

10 (b) The Attorney General shall establish a process to  
11 deregister a service registered under subsection (a) if the  
12 service is no longer a large social media platform.

13 Section 35. Liability of third-party safety software  
14 provider. In any civil action, other than an action brought by  
15 the Attorney General, a large social media platform provider  
16 shall not be held liable for damages arising out of the  
17 transfer of user data to a third-party safety software  
18 provider in accordance with this Act, if the large social  
19 media platform provider has in good faith complied with the  
20 requirements of this Act and the guidance issued by the  
21 Attorney General in accordance with this Act.

22 Section 99. Effective date. This Act takes effect June 1,  
23 2025.